

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

BONITA NELSON, as mother and heir at law of Shawn Nelson, deceased, §  
Plaintiff, §  
v. § Case No. 6:24-cv-22-JDK-KNM  
UNIVERSITY OF TEXAS MEDICAL §  
BRANCH, et al., §  
Defendants. §

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Bonita Nelson, as mother and heir of her deceased son, Shawn Nelson, a former prisoner confined within the Texas Department of Criminal Justice (“TDCJ”), through counsel, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

On February 7, 2025, Judge Mitchell issued a Report (Docket No. 12), recommending that Defendant Stebbins’s motion to dismiss (Docket No. 5) be granted, in part, and denied in part. Specifically, she determined that Plaintiff’s claims for monetary damages against all Defendants should be dismissed. Judge Mitchell further found that Plaintiff’s claims against Defendant Stebbins should be dismissed, with prejudice, for the failure to state a claim against him upon which relief may be granted—and determined that he is entitled to qualified immunity. No objections have been filed.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not file objections and the objections period has ended. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 12) as the findings of this Court. Defendant Stebbins's motion to dismiss (Docket No. 5) is **GRANTED**, in part, and **DENIED** in part. Plaintiff's claims for monetary damages against all defendants in their official capacities **DISMISSED**, and Plaintiff's claims against Defendant Stebbins are **DISMISSED** with prejudice for the failure to state a claim upon which relief may be granted.

It is further **ORDERED** that the remaining Defendants in this action shall answer or otherwise plead within 14 days of the date of entry of this Order. FED. R. CIV. P. 12(a)(4)(A).

So **ORDERED** and **SIGNED** this 6th day of March, 2025.

  
\_\_\_\_\_  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE